

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) C.A. No. 20-1744-CFC
WALMART INC. AND WAL-MART)
STORES EAST, LP,)
Defendants.)

STIPULATION AND [PROPOSED] ORDER RE: DISCLOSURE OF
DOCUMENTS PRODUCED BY THE UNITED STATES IN
UNITED STATES V. BACANER

Plaintiff the United States of America and Defendants Walmart Inc. and Wal-Mart Stores East, LP, (together, “Walmart”) pursuant to the Protective Order (D.I. 88), paragraph 86, in the above-captioned action (this “Litigation”), respectfully submit this Stipulation and Proposed Order Re: Disclosure of Documents Produced by the United States in *United States v. Bacaner*.

WHEREAS, the United States has litigated other cases regarding the Controlled Substances Act, including *United States v. Bacaner*, No. 8:21-cv-00391 (M.D. Fla.), in which it has produced documents, answered discovery requests, or served expert reports (the “Discovery Materials”).

WHEREAS, Walmart has requested production of the Discovery Materials in Request for Production No. 1 in its First Set of Requests for Production and First Set of Interrogatories, served on April 23, 2024, and the United States has agreed to produce the Discovery Materials subject to and without waiving objections asserted in its response to the Request.

WHEREAS, Walmart does not believe there is any basis for the United States to withhold the Discovery Materials.

WHEREAS, the United States believes the protective order in *United States v. Bacaner*, see No. 8:21-cv-00391 (M.D. Fla.), D.I. 50-1, 55, prohibits the United States from disclosing the Discovery Materials here absent a court order because it states that the parties to that litigation were permitted to use documents "only for purposes of the Litigation," without distinguishing between use by the receiving or producing party.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to the approval of this Court and pursuant to the Court's authority under Fed. R. Civ. P. 26(c), that:

1. The United States shall re-produce in this Litigation the Discovery Materials produced by the United States in *United States v. Bacaner* consistent with this Court's Scheduling Order, see D.I. 124.

DAVID C. WEISS
UNITED STATES ATTORNEY

/s/ Elizabeth F. Vieyra
Dylan Steinberg
Elizabeth F. Vieyra
Assistant United States Attorneys
1313 N. Market Street
Wilmington, DE 19899-2046
(302) 573-6277
dylan.steinberg@usdoj.gov
elizabeth.vieyra@usdoj.gov

*Counsel for Plaintiff
United States of America*

/s/ Kelly E. Farnan
Robert W. Whetzel (#2288)
Kelly E. Farnan (#4395)
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
(302) 651-7700
whetzel@rlf.com
farnan@rlf.com

*Attorney for Defendants Walmart Inc.
and Wal-Mart Stores East, LP*

Dated: November 13, 2024

SO ORDERED this 14th day of November, 2024.


Honorable Eleanor G. Tennyson
United States Magistrate Judge